

NLRB-23

System name:

Solicitors System (SOL) and Associated Headquarters Files.

Security classification:

None.

System location:

Records are stored on paper and electronic media at Agency Headquarters, Office of the Solicitor, 1099 14th Street, NW., Washington, DC 20570. Additionally, pursuant to the Agency's flexiplace and telecommuting programs, or due to official travel, Associated Headquarters Files (or copies of such files) also may be temporarily located at alternative worksites. All appropriate safeguards will be taken at these sites.

Categories of individuals covered by the system:

Individual Charged Parties and Respondents in unfair labor practice case matters regarding which the Office of the Solicitor advises the five-member National Labor Relations Board ("the Board"); individual Employers in representation case matters regarding which the Office of the Solicitor advises the Board; non-Agency attorneys who are the subjects of disciplinary proceedings under Section 102.177 of the Board's Rules and Regulations; individuals who have filed petitions for rulemaking with the Board; current and former Agency employees assigned to cases.

Categories of records in the system:

(1) Summary information (such as names of parties, case status, and Agency personnel assignments) of matters regarding which the Office of the Solicitor advises the Board (including limited unfair labor practice and representation case matters, requests to initiate litigation or intervene in non-Board litigation, cases under Section 102.177 of the Board's Rules and Regulations, and petitions for rulemaking) is maintained in an electronic case tracking system, SOL.

(2) Associated Headquarters Files are paper records established and maintained for processing the matters regarding which the Office of the Solicitor advises the Board. The paper records are administrative and court records (such as unfair labor practice charges, unfair labor practice complaints and answers, representation petitions, briefs, motions and orders), Section 102.177 charges and complaints, petitions for rulemaking, correspondence, and intra-agency memoranda (such as requests for authorization from the Board to initiate court litigation, legal research memoranda, and other related documents).

These records include the names of parties and Agency employees assigned to the cases. SOL and Associated Headquarters Files may include parties' home addresses and home telephone numbers, if such information is provided to the Agency.

Portions of these records include civil investigatory and law enforcement information.

Authority for maintenance of the system:

29 U.S.C. 159, 160, 161; 44 U.S.C. 3101.

Purpose:

SOL is an electronic case tracking system used by the Office of the Solicitor to facilitate the accurate and timely collection, retrieval, and retention of information regarding the processing of unfair labor practice, representation, and other case matters regarding which the Office of the Solicitor advises the Board. The information and activities tracked by the system may be generated by the parties' filing of briefs, motions, and other documents, or by deliberative, analytical processes undertaken by Board employees assigned to cases. This database stores current and historical information, and is used to generate data for managing the Agency's case processing and resources, and preparing quarterly and annual reports of casehandling activities.

Associated Headquarters Files are paper files maintained to aid in resolving matters advised on by the Solicitor's Office. The Associated Headquarters Files may also be used to assist in evaluating Agency employees.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

The standard routine uses applying to this system are listed in the General Prefatory Statement to this document.

Disclosure to consumer reporting agencies:

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is maintained on paper and electronic media.

Retrievability:

Data may be retrieved by the names of individual Charged Parties and Respondents in unfair labor practice case matters regarding which the Office of the Solicitor advises the Board; names of individual Employers in representation case matters regarding which the Office of the Solicitor advises the Board; names of non-Agency attorneys who are the subjects of disciplinary proceedings under Board Rule and Regulation Section 102.177; names of individuals who have filed petitions for rulemaking with the Board; names of current and former Agency employees assigned to cases; as well as by non-personal identifiers, such as case numbers assigned by the Agency.

Safeguards:

Access to Agency working and storage areas is restricted to Agency employees who have a need to use the information in order to perform their duties, custodial personnel, Federal Protective Service personnel, and other contractor and security personnel. All other persons are required to be escorted in Agency areas. Associated Headquarters Files are maintained in staffed or locked areas during working hours. The facilities are protected from unauthorized access during non-working hours by the Federal Protective Service or other security personnel. Those Agency Headquarters employees who telecommute and may possess Associated Headquarters Files (or copies of such files) at alternative worksites are instructed as to keeping such information in a secure manner.

Electronic system-based access controls are in place to prevent data misuse. Access to electronic information is controlled by administrators who determine users' authorized access based on each user's office and position within the office. Access criteria, procedures, controls, and responsibilities are documented and consistent with the policies stated in a memorandum titled "NLRB Access Control Standards, Password Management," and dated January 23, 2002. All network users are also warned at the time of each network login that the system is for use by authorized users only, and that unauthorized or improper use is a violation of law.

#### Retention and Disposal:

SOL information will be retained and disposed of in accordance with appropriate Agency schedules that will be submitted to the National Archives and Records Administration (NARA) for its approval. Associated Headquarters Files are disposed of in accordance with the Agency's Disposition Standards Records, as approved by NARA.

#### System manager and address:

Solicitor, National Labor Relations Board, Room 11800, 1099 14th Street, NW,  
Washington, DC 20570-0001

#### Notification procedures:

For records not exempted under 5 U.S.C. 552a(k)(2) of the Privacy Act, an individual may inquire as to whether this system contains a record pertaining to such individual by directing a request to the System Manager in accordance with the procedures set forth in 29 CFR 102.117a(a) (as newly designated in accompanying proposed amended regulations).

#### Records access procedure:

For records not exempted under 5 U.S.C. 552a(k)(2) of the Privacy Act, an individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager in accordance with the procedures set forth in 29 CFR 102.117a(b) and (c) (as newly designated in accompanying proposed amended regulations).

#### Contesting record procedure:

For records not exempted under 5 U.S.C. 552a(k)(2) of the Privacy Act, an individual may request amendment of a record in this system pertaining to such individual by directing a request to the System Manager in accordance with the procedures set forth in 29 CFR 102.117a(d) (as newly designated in accompanying proposed amended regulations).

#### Records source categories:

For records not exempted under 5 U.S.C. 552a(k)(2) of the Privacy Act, record source categories include parties in unfair labor practice cases, representation cases, Section 102.177 cases, and petitions for rulemaking; party representatives; witnesses in Board proceedings; and individual Agency employees. Record source categories also include documents relating to the processing of cases regarding which the Solicitor is advising the Board, such as unfair labor practice charges and complaints, representation petitions, administrative law judge determinations, Board decisions, and decisions from United States courts of appeal.

#### Exemptions claimed for the system:

Pursuant to 5 U.S.C. 552a(k)(2), the Agency has exempted portions of this system, including records relating to requests pursuant to Section 10(j) of the NLRA (29 U.S.C. 160(j)), requests to pursue federal court contempt proceedings, and certain requests that the Board initiate litigation or intervene in non-Agency litigation, from the following provisions of the Privacy Act: U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).